

FILED
IN CLERK'S OFFICE
US DISTRICT COURT E.D.N.Y.

★ JUN 22 2012 ★

BROOKLYN OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X
LIONEL AGRELO, a/k/a LIONEL ACEVEDO,

Plaintiff,

-against-

CITY OF NEW YORK, NEW YORK CITY POLICE
DEPARTMENT, POLICE OFFICER LINKE (ID #
940383), And POLICE OFFICER BRIAN
PELLEGRINO (ID # 943659),

Defendants.
----- X

**STIPULATION OF
SETTLEMENT AND ORDER OF
DISMISSAL**

11 CV 3868 (ENV)(LB)

WHEREAS, plaintiff LIONEL AGRELO commenced this action by filing a complaint on or about August 11, 2011, alleging that the defendants violated plaintiff's federal civil and state common law rights; and

WHEREAS, defendants have denied any and all liability arising out of plaintiff's allegations; and

WHEREAS, the parties now desire to resolve the issues raised in this litigation, without further proceedings and without admitting any fault or liability; and

WHEREAS, plaintiff LIONEL AGRELO has authorized his counsel to settle this matter on the terms enumerated below;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed against the defendants, with prejudice, and without costs, expenses, or attorney's fees in excess of the amount specified in paragraph "2" below.

Am

5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York or any agency thereof.

6. Plaintiff agrees to hold harmless the City of New York regarding any liens or past and/or future Medicare payments, presently known or unknown in connection with this matter. If conditional and/or future anticipated Medicare payments have not been satisfied, defendants reserve the right to issue a multiparty settlement check, naming Medicare as a payee or to issue a check to Medicare directly based upon Medicare's final demand letter.

7. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York
June 4, 2012

Peter Zirbes, Esq.
108-18 Queens Blvd, 6th Floor
Forest Hills, New York 11375

By: 

Peter Zirbes, Esq.
Attorney for Plaintiff

MICHAEL A. CARDOZO
Corporation Counsel of the
City of New York
Attorney for Defendants
100 Church Street, Rm. 3-203A
New York, New York 10007


Noreen Stackhouse
Assistant Corporation Counsel

To Clerk is directed to close this case.

SO ORDERED

Dated: ~~New York~~ Brooklyn, New York

JUN 21 2012

HON. ERIC N. VITALIANO
UNITED STATES DISTRICT JUDGE